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## **REMARKS**

The specification has been amended to delete alleged new matter, and claims 24, 27, 28, 40, and 41 have been amended in view of the Office action and in view of the remarks which follow, the claims and the application as a whole are believed to be in condition for allowance.

### **Allowable Subject Matter**

In section 3 of the Detailed Action claims 1, 8-14, 21-23, 28, 31, 40, 41, and 47-59 were indicated to be allowed.

### **Claim Objections**

In section 4 of the Detailed Action, Claims 40 and 41 were objected to because of informalities.

In each claim, "BTB.and" has been changed to read "BTB and", as required.

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### **Specification**

In section 5 of the Detailed Action, an objection was made to the disclosure because of the informality that the term "*computer readable medium*" from Claim 28 did not have adequate antecedent basis within the specification. Appropriate correction was required.

Original claim 28 read as follows:

"A program product comprising computer readable code for controlling and configuring a computer having a pipelined processor and a branch target buffer (BTB) to creating a recent entry queue in parallel with the branch target buffer (BTB)."

Original paragraph [0040] read as follows:

"As one example, one or more aspects of the present invention can be included in an article of manufacture (e.g., one or more computer program products) having, for instance, computer usable media. The media has embodied therein, for instance, computer readable program code means for providing and facilitating the capabilities of the present invention. The article of manufacture can be included as a part of a computer system or sold separately."

To comply with the requirement, language from original claim 28 was added to paragraph [0040] of the application as filed and claim 28 was amended to include similar language to amended paragraph [0040]. In claim 28, the word "media" which is plural has replaced the singular word "medium" which is employed in the original paragraph [0040]. The amendments to the specification and the claim are believed to comply with the requirement. No new matter has been added as the language of the amended claim 28 appears in the original application in the language quoted above. Accordingly, it is respectfully submitted that there is now an adequate antecedent basis within the specification for the language of claim 28 in its amended form.

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### **New Matter**

In section 6 of the Detailed Action, an objection under 35 U.S.C. 132(a) to the amendment filed 13 December 2008 was that it allegedly introduced new matter into the disclosure. Applicant was required to cancel the new matter. The material alleged not to be supported by the original disclosure is as follows:

Figure 4 discussion in paragraph [0034],  
reference to table 610 in Fig. 6 in paragraph [0034],  
elaboration of Figs. 4 and 5 in paragraph [0036],  
discussion of Fig. 6 and recent entry queue of Fig. 4 in paragraph [0037],  
characterization of Fig. 7 in paragraph [0038].

The above listed paragraphs have been amended to eliminate the language referred to above and other new language, so it is respectfully submitted that the allegation of new matter is now believed to be moot.

### **Claim Rejections - 35 USC § 101**

In section 8 of the Detailed Action, claims 24 and 27 were rejected under 35 U.S.C. 101 because the claimed invention was alleged to be directed to non-statutory subject matter. The Office Action stated as follows:

“system claims 24 and 27 appear to be capable of being implemented entirely in software in light of paragraph [0039] of the specification. Therefore, it is considered non-statutory subject matter.”

Claims 24 and 27 were amended to required a computer system to perform the steps of the invention. That is believed to make it clear that the invention as claimed in claims 24 and 27 is not limited to being implemented entirely in software. Accordingly the ground of rejection under 35 U.S.C. 101 is believed to have been overcome.

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In view of the amendments and the above remarks, the claims and the application as a whole are now believed to be patentable over the prior art of record.

No fee is believed to be due for the submission of this amendment. If any fees are required, however, please charge such fees to Deposit Account No. 09-0463.

In view of the amendments and the above remarks favorable action including allowance of the claims and the application as a whole are respectfully solicited.

If an issue remains to be resolved, the Examiner is authorized and encouraged to contact the undersigned at the Email address.

Alternatively please contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Graham S. Jones, II/

Graham S. Jones, II, Attorney

Reg. No. 20,429

Telephone (845) 473-9118

FAX (845) 485-9399

Email: [graham@grahamjones.com](mailto:graham@grahamjones.com)